

U.S. DISTRICT COURT  
FOR DISTRICT OF BOSTON

Steven L Smith,  
Plaintiff

vs

Barnstable Superior Court  
Commonwealth of Mass  
Governor Charles Baker  
Judge Gildea  
Det. Lober  
Attorney Ryan J. Matthews

Docket #

Date - 9-18-21

~~9-20-21~~

2021 SEP 22 PM 2:00

FILED  
IN CLERK'S OFFICE

Under U.S.C. 424 1983  
CIVIL COMPLAINT

- (1) Plaintiff has been held Pre-Trial since 7-5-2018 At Barnstable County Jail 6000 Sheriff Place, Bourne, MA 02532
- (2) Defendants are officials of the state of Massachusetts Police officer that arrested me, And my former Attorney, The Judge that declared I'm Incompetent, and The Governor that oversees the Court system.
- (3) Plaintiff has filed a few Lawsuits: SMITH vs Lewis CV 3:20-30173 (KAR) SMITH vs Lober and SMITH vs Barnstable County. Lewis is pending. The other two were dismissed.

II

Complaint

1) In November 2021, I asked my 5th court appointed Attorney, Ryan J. Matthews, to prepare and file an O'Dell Motion, on the grounds/facts the Commonwealth gained an indictment on child rape with false and misleading presentment. Namely:

(1) The Alleged victim called 911 and claimed he woke with my mouth on his junk."

(2) He was taken to Hospital, told Nurses he had not washed off and 6 swabs taken of "his junk" This was 7-5-2018. (See Attached)

(3) On 8-21-2018 The Criminalists Report results showed NO DNA on "his junk" (See ENCLOSED)

(4) The arresting Det. Lebur withheld both the Hospital Form 2B and the above Crime Lab Report until Dec 2018.

(5) She then came to the grand jury 1-4-2019 and assisted A.D.A. Patterson exclude these reports by referring to them as "an exam" (See Enclosed/Attached)

(6) This cology took place:

A.D.A. Patterson: Was there an exam of Connor's genital region

②

III

Det. Lobur: Yes!

A.D.A. Patterson: And was any semen or seminal fluid detected?Det. Lobur: NO!

(7) ERGO, WITH MISDIRECTION The D.A. AND ARRESTING COP EXCLUDED The FACT, IN AN ACTUAL RAPE, THAT NO SALIVA WAS DETECTED YET Complainant called 911 and was examined SOON AFTER. AND SMD He did NOT wish OFF!

8) Det. Lobur Also, twice, testified that our phone texts/records matched per A phone expert or were similar when in fact she knew The Accuser destroyed 95% of his phone records. She also withheld the phone dump discs for 5 months... And when she turned over these discs - The Accuser's was encrypted and Needed The software in Det. Lobur's sole possession.

(9) 2 1/2 years After my arrest, my 4th Attorney, Matthew Schmitt, wrote to The A.D.A. Patterson: "Kindly ask the police to provide the software to access the accuser's disc."

(2) IV

As Argued in Smith vs Labor and Smith vs Barnstable Court, none of the 5 Attorneys appointed to me would file a motion to dismiss on these grounds. None were willing to hold the corrupt cop and unethical D.A. accountable.

(10) Ryan J. Matthews attempted to file a motion to dismiss that gave the officer a good faith argument that she "did not look" at the phone when she testified and made NO mention of the A.D.A. Patterson's unethical presentment that excluded the fact NO SALIVA was on his junk yet he was swabbed 6 times! And had not washed up. (See Attached)

(11) I decided to represent myself to file my own motion to dismiss.

(12) Ryan soon raised issue of my "incompetency" yet Dr. Ingber at B.S.H. found me competent. So he attacked her on cross - that she must be incompetent or unsupervised and unexperienced in doing evals. The Judge <sup>GILDERA</sup> sided against Dr. Ingber and found me incompetent. Basically sentencing me WTO A TRIAL TO 10 YEARS!!

V

- (13) Ryan J. Matthews wrote and told me He would file to Dismiss under MBL 123 16(f) Until he learned to sue him in Federal Court. He wanted 9+ months of my life trying to get me found to be incompetent so I could not file my own MOTION TO Dismiss!! And Judge Gildea let him!
- (14) I have another Lawyer. MR. Rick Berry OF Cotuit. He came up and said, Ryan Blew smoke up your ASS: Under MBL 123 16(f) you can be held, without trial, for  $\frac{1}{2}$  the maximum sentence you could have got if you went to trial - which is 10 years.
- (15) He said "Let's get you back to W.R.C.H and find you competent so we can go to trial" And I will file an Odell Mahon" I said, Excuse me - But the court has found me Incompetent and I've read the case laws - I should have my case dismissed. He said OK. And prepared a one page MOTION - He quoted DR Dismore that I am "currently" impaired -

VI

(16) Mr Barry's Motion to Dismiss had No chance to succeed as I need to be permanently incompetent under M.G.L. 123 16(f) to have my case dismissed. (See opposite side)

(17) However, it did not matter. As he "forgot" to file an Affidavit so the Court did not adjudicate or hear it yesterday. And Mr. Barry tried, with DA Patterson, to get me back to W.R.C.H. to get me found Competent.

(18) Here, I never wanted to be diagnosed in the first place yet soon as I insisted to represent myself, Ryan Matthews raised issue with my competency. I am 100% - 200% Competent. Ryan Matthews did not want to be responsible for me filing a MOTION TO Dismiss that would hold the Cop and D.A. Patterson to Account for their perjury and Unethical grand Jury presentment!!



VII

on 9-16-21

- (19) In court, Mr. Barry told me that AOA told him to file an O'Dell Motion and he would dismiss the Rape case. But first, I must be found competent for him to file it. SURE.
- (20) IF the motion he filed under M.G.L. 123 16(F) (opposite) is any indication of the O'Dell he will file - then my chances of success are slim to none!! Because I highly doubt he will include the Facts - and my prior ACTIONS have included the DNA evidence and Hospital Reports that were not shown to the Grand Jury. (As I shall attach to this) wherefore, I ask this Court to TAKE ACTION AND INTERVIEW AS THE STATE OF MASSACHUSETTS IS VIOLATING MY CONSTITUTIONAL RIGHT TO ADEQUATE COUNSEL / AND Denying me my RIGHT TO Represent myself. Because if I Refuse to allow a lawyer represent me - They move to get me found incompetent. when I agree to be represented by their sell out court

VIII

See over →

Lawyer - I am deemed Competent!!  
 But the EVIDENCE "Speaks" for  
 ITSELF. The EVIDENCE IS NOT EITHER  
 INCOMPETENT OR INCOMPETENT - IT  
 REMAINS FIXED.

YET The Lawyers have kept the Judge  
 From ADJUDICATING IT FOR 3 1/2 years.  
 The BOTTOM line is - This 16 year old  
 IS A LIAR - He called 911, made the  
CRAZY claim my mother was on his  
Junk. The Police Det. Lobur Refused to  
TALK TO ME. TOOK me here 3 1/2 years  
ago. (STOLE my DOB.) AND TOOK him  
 TO HOSPITAL FOR 6 SURBS. When it  
 CAME BACK NO DNA on him! She  
Withheld The Reports. Then CAME and  
 Testified so as to EXCLUDE this STATE  
evidence!! And NOT A single Lawyer  
 has done anything to get me out!  
 Since 7-5-2018 I seek A JURY TRIAL  
 AND 10 Million DOLLARS!

See Over ↓

Steven L Smith  
 # 716070  
 Barnstable Jail



## COMMONWEALTH OF MASSACHUSETTS

FILED  
IN CLERKS OFFICE

BARNSTABLE, SS

2021 SEP 22 PM 12: 22  
SUPERIOR COURT

INDICTMENT 1972 GR00000000

U.S. DISTRICT COURT  
DISTRICT OF MASS.

COMMONWEALTH )

V. )

STEVEN L. SMITH )

*This is A  
MOTION TO TRAIL  
NOT  
DISMISS!!*MOTION TO DISMISS PURSUANT TO MGL C. 123 SEC. 16(f)

Now comes the Defendant in the above captioned matter and moves this honorable court to dismiss the above captioned matter pursuant to MGL C 123 Sec 16(f). The Defendant has been in custody since January 31, 2019 initially on being declared Dangerous, then on Bail, and currently held on Bail and being deemed incompetent. Justice Gildae declared the Defendant incompetent after a hearing on March 25, 2021 and ordered that a further competency evaluation be performed at the Worcester Recovery Center And Recovery Hospital. Dr Andrea Dinsmore opines in her April 28, 2021

## Competency Evaluation:

*7-5-2018*

*Current is Temporary  
I need to be permanent!*

I concur with the Court Mr. Smith's current presentation is currently impairing his ability to effectively communicate with counsel to form a defense and has impaired his rational appreciation for his legal situation, as his thinking is so clouded by his paranoia and narcissism that he is unable to parcel the reality based information and appreciate the potential impact that it may have on his case. *he had to know it!*

It should be noted that the current counsel is the seventh attorney assigned to Mr Smith's case and it appears that he has been incompetent since the inception of these indictments. Therefore, the

*The Reality is The DNA evidence.  
@ Hospital Reports a Unethical  
Grand Jury presentment!*